IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.17532 of 2002

Between:

Chenna Padma, W/o.Laxmaiah,

R/o.Tata Nagar, Bhongir,

Nalgonda Dist.

..... PETITIONER

AND

1.The A.P. Pollution Control Board, rep.by

its Member Secretaary, Huda Complex, Mytrivanam,

Hyderabad.

2.The Executive Engineer, A.P. Pollution Control Board,

Nalgonda Division, Nalgonda.

3.The District Collector, Nalgonda District,

Nalgonda.

4.M/s.Divyajothi Chemicals Pvt. Ltd., rep.by its

Managing Director, Mr.G.S.Chavala, having its

Regd.Office at Flat No.302, Tirumala Estates,

Road No.8, West Marredpally, Secunderabad.

5.M/s.Superchlorides Pvt. Ltd., rep.by its

Managing Director, Mr.M.S.Chavala, having its

Regd.Office at Premises No.201, Green Gate

Buildings, P.G. Road, Secunderabad.

.....RESPONDENTS.

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 3 in not taking any steps against the 4th and 5th respondent factories which are causing ground water, soil and air pollution as illegal, arbitrary and contrary to the provisions of A.P. Pollution Control Act and violative of Art.21 of the Constitution of India and consequently direct the respondents 1 to 3 to take appropriate steps against respondents 4 and 5 to prevent pollution, restoring the ground water and soil in Survey No.154 of the petitioner in its original condition.

Counsel for the Petitioner: Mr.J.VENKATESWARA REDDY

Counsel for Respondent Nos.1 & 2: Mr. S.V.BHATT,

S.C.FOR APPCB.

Counsel for Respondent No.3 : G.P. FOR IRRIGATION &

COMM AREA DEV.

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This writ petition has been filed as public interest litigation making grievance against fifth respondent industry stating that the industry is causing pollution and violating the environmental laws.

As per the counter affidavit of the respondent Board dated 15-12-2003, fifth respondent industry was inspected on 18-9-2003 and samples were collected. We need not go into the details of the results, but the affidavit in reply states that show cause notice dated 16-8-2001 was issued to fifth respondent bringing to its notice that industry was causing pollution and was being operated upon without obtaining consent for operation as required under Sections 25 and 26 of Water (Prevention &

Control of Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981. It is further stated that show cause notice was again issued on 16-11-2001 for non-submission of environmental statement. Notices were again issued on 23-12-2002 and 18-9-2003 and industry was asked to apply for under Hazardous Waste (Management & Handling) Rules. In the affidavit, it is stated that Board is initiating further action against the industry for non-compliance of the pollution control standards and non-compliance of statutory requirements.

We fail to understand that when notice was issued in 2001, why respondent Board did not take prompt action in ensuring compliance of statutory requirements and pollution control standards. Merely continuing to issue show cause notice and not taking action thereafter will amount to total inaction and failure to discharge statutory obligations. Board has to keep a watch and take prompt action and not to wait for the orders to be passed by the Court. It is high time now for the Board to ensure strict compliance of the statutory provisions and pollution control standards.

We close the writ petition with a direction to the respondent Board to take appropriate action against the industry within a period of three months from the date of receipt of a copy of this order including closure of the industry in case its directions are not complied with and consent is not obtained. We also direct the Board to place on record by filing a report showing compliance of these directions.

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(DEVINDER GUPTA, C.J.)

7th October 2004.

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(C.V.RAMULU, J.)

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To

1.The A.P. Pollution Control Board, rep.by

its Member Secretaary, Huda Complex, Mytrivanam,

Hyderabad.

2.The Executive Engineer, A.P. Pollution Control Board,

Nalgonda Division, Nalgonda.

3.The District Collector, Nalgonda District,

Nalgonda.

4.Two C.Cs to Govt. Pleader for Irrigation & CAD, High Court Buildings, Hyderabad (OUT).

5.Two CD copies.